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Attorneys for Plaintiffs

UNITED STATES DISTRICT COURT

DISTRICT OF OREGON

AT PORTLAND

MASONRY BUILDING OWNERS OF OREGON, an Oregon mutual benefit nonprofit corporation, FOUNTAIN VILLAGE DEVELOPMENT LLC, an Oregon limited liability company, and JIM A. ATWOOD, in his capacity as trustee of the Jim. A. Atwood Trust dated August 10, 2017,

PLAINTIFFS,

v.

TED WHEELER, in his official capacity as Mayor of the City of Portland and Commissioner in charge of the Bureau of Development Services, DAN SALTZMAN, in his official capacity as Commissioner in charge of the Fire Bureau, and CITY OF PORTLAND, an Oregon municipal corporation,

DEFENDANTS.

Case No.: 3:18-cv-02194-AC

DECLARATION OF CHRIS SWIFT IN SUPPORT OF PLAINTIFFS' MOTION FOR A PRELIMINARY INJUNCTION

I, Chris Swift, hereby declare:

1. I am one of the attorneys for Plaintiffs Masonry Building Owners of Oregon (“MBOO”), Fountain Village Development LLC, and Jim A. Atwood, and I make this declaration on facts known to me in support of Plaintiffs’ Motion for Preliminary Injunction.
2. Attached as Exhibit 1 is a copy of Ordinance 189201.
3. Attached as Exhibit 2 is a copy of the “Declaration of Agreement” required by the Ordinance, which was previously attached to the Complaint (Dkt. 1-3).
4. Attached as Exhibit 3 is a copy of a webpage on the City of Portland’s website titled, “URM Database,” obtained using the browser’s print screen function. The webpage is available at: <https://www.portlandoregon.gov/bds/70767>.
5. Attached as Exhibit 4 are excerpts from the deposition of Jonna B. Papaefthimiou, taken January 30, 2019.
6. Attached as Exhibit 5 are excerpts from the deposition of Amit Kumar, taken January 31, 2019.
7. Attached as Exhibit 6 is a copy of email correspondence between Angie Even, Amit Kumar, and Jonna Papaefthimiou, dated January 15, 2019.
8. Attached as Exhibit 7 is a copy of City of Portland Resolution 37364, adopted by the City Council on June 13, 2018.
9. Attached as Exhibit 8 is a copy of City of Portland Ordinance 189309, adopted by the City Council on December 19, 2018.
10. Attached as Exhibit 9 is a document titled, “Closed Caption File of Portland City Council Meeting,” which consists of a closed captioning transcript for the City Council hearing held on October 3, 2018.
11. Attached as Exhibit 10 is a document titled, “Closed Caption File of Portland City Council Meeting,” which consists of a closed captioning transcript for the City Council hearing held on October 10, 2018.

12. Attached as Exhibit 11 is a copy of a webpage on the City of Portland's website titled, "Commissioner Jo Ann Hardesty Announces Delayed Fire Bureau Enforcement of Unreinforced Masonry Signage Requirement," obtained using the browser's print screen function. The webpage is available at: <https://www.portlandoregon.gov/hardesty/article/711299>

13. Attached as Exhibit 12 is a copy of a new article posted on the KOIN 6 website and originally published by the Portland Tribune, obtained using the browser's print screen function. The article is titled, "Hardesty, Wheeler clash on building warning signs," and is dated February 1, 2019. The article is available at:

<https://www.koin.com/news/environment/earthquakes/hardesty-wheeler-clash-on-building-warning-signs/1745646067>

14. Attached as Exhibit 13 is a copy of email correspondence between members of the URM Building Work Group and a private party, dated November 5, 2018.

15. Attached as Exhibit 14 is a copy of a report prepared by the State of Oregon Department of Geology and Mineral Industries ("DOGAMI"), titled, "Earthquake Regional Impact Analysis for Clackamas, Multnomah, and Washington Counties, Oregon, dated 2018.

16. Attached as Exhibit 15 is a copy of a map depicting the liquefaction hazards, which was obtained from the City of Portland's website and introduced in the deposition of Jonna B. Papaefthimiou as Deposition Exhibit 9. The map is available at:

<https://www.portlandmaps.com/advanced/?action=gallery>

17. Attached as Exhibit 16 is a copy of email correspondence, including an attachment, between Reid Zimmerman and Carmen Merlo, dated December 18, 2017.

18. Attached as Exhibit 17 is a copy of a report prepared by the Portland Bureau of Emergency Management, titled, "Unreinforced Masonry (URM) Building Policy Committee Report, and dated December 2017.

Pursuant to 28 U.S.C. § 1746, I declare under penalty of perjury that the foregoing is true and correct.

DATED this 4th day of February, 2019.

s/ Chris Swift
Chris Swift, OSB #154291
Of Attorneys for Plaintiff